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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

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5 TINA BRADWAY, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF TONY
BRADWAY,

6

Plaintiff,

7

- against -

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9 THE TOWN OF SOUTHAMPTON, LINDA K. KATBOT
AND JOHN DOES 1-10 CONSISTING OF
INDIVIDUALS TO BE DETERMINED,

10

Defendants.

11

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12

13 February 16, 2011
2:00 P.M.

14

15 1425 Rexcorp Plaza
Uniondale, New York

16

17

DEPOSITION of RICHARD S. BLUM, the

18

Non-Party Witness herein, taken pursuant to Notice,

19

and held at the above time and place before Edna

20

Conway, a Stenotype Reporter and Notary Public of the

21

State of New York.

22

23 *** *** ***

24

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RADAZO REPORTING, INC. (516) 248-1020

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2 APPEARANCES :

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10

11

12 DEVITT, SPELLMAN BARRETT, LLP
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15 BY: JELTJE DEJONG, ESQ.

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21 *** * *** * ***

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2 IT IS HEREBY STIPULATED AND AGREED by and
3 between the attorneys for the respective parties
4 hereto, that filing, sealing, and certification are
5 hereby waived;

6 IT IS FURTHER STIPULATED AND AGREED that all
7 objections, except as to the form of the question,
8 shall be reserved to the time of the trial;

9 IT IS FURTHER STIPULATED AND AGREED that the
10 within Deposition may be signed before any Notary
11 Public with the same force and effect as though
12 subscribed and sworn to before this Court.

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2 R I C H A R D S. B L U M, the Witness,
3 having been first duly sworn by the
4 Notary Public, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MS. DEJONG:

8 Q Please state your name.

9 A Richard S. Blum.

10 Q Please state your current address.

11 A 25 Spruce Drive, East Hills, New York
12 11576.

13 Q Good afternoon, my name is Jeltje Dejong.
14 I represent the Town of Southampton with regard to a
15 case, Bradway versus Town of Southampton. I
16 understand that you have been retained to provide
17 expert opinion with regard to some issues in this
18 case.

19 If you don't understand any of my
20 questions, please tell me and I will rephrase them.
21 If you want to take a break, let us know and we will
22 take a break at any point that you want to; okay? Do
23 you understand that?

24 A Yes.

25 Q You have to answer any questions verbally

1 RICHARD S. BLUM

2 because the court reporter can't take down nods of
3 the head or a uh-uh or those kinds of things; okay?

4 A Okay.

5 Q You received your medical degree from
6 Chicago Medical School in 1963?

7 A Correct.

8 Q Did you specialize after that in any area
9 of treatment?

10 A Of medicine?

11 Q Yes.

12 A Yes.

13 Q What areas?

14 A Internal medicine.

15 Q Were you Board Certified in any specific
16 areas?

17 A Internal medicine.

18 Q Did you maintain a practice, medical
19 practice?

20 A Yes, ma'am.

21 Q For how long did you have that practice?

22 A It is from 1969 until present.

23 Q You have an active medical practice today?

24 A Correct.

25 Q Where is that?

1 RICHARD S. BLUM

2 A Two locations.

3 Q Okay.

4 A One is 720 Northern Boulevard in
5 Brookville, New York and the other is at 25 Spruce
6 Drive.

7 Q That is your home?

8 A Correct.

9 It is a much smaller practice than the
10 other one.

11 Q And you received a post-doctoral degree in
12 pharmacology and toxicology in 1976?

13 A I have the training. There is a degree on
14 the books of Saint John's called a B Masters, but
15 there's been no formal degree at a graduation.

16 Q So there's no formal degree; is that what
17 you are saying, Doctor?

18 A There's a degree on the books of the
19 university, but there's been no graduation. I can
20 explain, if you wish.

21 Q Would you, please?

22 A I enrolled in the PhD program. To get a
23 PhD one must complete a Master's, successfully
24 complete Master's training. I successfully completed
25 the Master's training and never completed the PhD

1 RICHARD S. BLUM

2 itself. So I have on the books of the university
3 what is known as a B Masters, meaning that I got a B
4 or better in every course necessary to get the
5 Masters degree in Pharmacology, but it was never
6 offered because I wasn't enrolled in the Master's
7 program.

8 Q You never followed up on that?

9 A No, I couldn't.

10 Q Did you review any documents in order to
11 prepare for today's deposition?

12 A Yes, I did.

13 Q What did you review?

14 A I reviewed the hospital records of Peconic
15 Bay and I read the depositions from the Police
16 Department, of the Officer involved. I don't
17 remember the names.

18 Q Other than your medical practice, do you
19 receive income in your capacity as a consultant?

20 A Oh, sure.

21 Q Do you segregate the income that you get
22 as a consultant as opposed to the income that you get
23 as a physician?

24 A No, it all goes into one corporation.

25 Q What is that corporation?

1

RICHARD S. BLUM

2

A It's called RB Industries.

3

Q Are you an officer of that corporation?

4

A Yes.

5

Q What are you?

6

A Basically chief cook and bottle washer.

7

It's me, that's the corporation.

8

Q How long has the corporation been in effect?

10

A Since the mid-eighties.

11

Q What is the purpose of the corporation?

12

A It started out as a research and development corporation for my patents.

14

Q What is it today?

15

A It is still stated as research and development. The patents never got through to marketing.

18

Q Did you testify that all of your income goes to the corporation?

20

A All of my income that I produce, but not any income from investments, that doesn't go there.

22

Q So, income that you receive from your practice, medical practice, goes into the corporation?

25

A Correct. Everything that I get would be

1 RICHARD S. BLUM

2 funneled into the corporation.

3 Q Income that you receive as a consultant
4 gets funneled into the corporation?

5 A Correct.

6 Q I am assuming that you are a consultant to
7 members of the legal profession; would that be
8 correct?

9 A Correct.

10 Q Do you consult for anybody else?

11 A I have done pharmaceutical consults,
12 hospitals, I guess governmental agencies, federal
13 agencies. I think that's about it.

14 Q About what percentage of your consulting
15 is with the legal profession?

16 A Oh, I would say that would be easily 90
17 percent.

18 Q For how long have you been consulting to
19 the legal profession; when did you first start?

20 A I think it was '74, '75. It is somewhere
21 in the mid-seventies.

22 Q Generally what areas do you consult about
23 with the legal profession?

24 A It could be drug abuse, drug use, internal
25 medicine, clinical pharmacology. That's basically

1 RICHARD S. BLUM

2 it.

3 Q If you can say a percentage, could you
4 tell me the percentage of the cases where you were
5 retained by defendants as opposed to plaintiffs?

6 A Yes. I would say about 85 percent
7 defense, 15 by plaintiff.

8 Q Can you tell me what your income was as a
9 result of consultations with the legal profession for
10 the year 2010?

11 A I can only give you a percentage. I can't
12 give you a dollar value because it was never broken
13 down by any dollar value by my accountant.

14 I know the percentage was 18 percent.

15 Q What was the total income that you
16 received in 2010?

17 A Total income I think was about \$300,000.
18 I am not sure because that's on the tax returns. He
19 breaks it down that way.

20 Q Would you say that 18 percent is typically
21 the percentage of income that you get on a yearly
22 basis --

23 A Excuse me. You said 2010?

24 Q Yes.

25 A No, that would have to go back to 2009.

1 RICHARD S. BLUM

2 2010 hasn't been done yet. I just realized that.

3 The 2010 return is not in yet.

4 Q Correct.

5 How about 2009?

6 A That was 2009.

7 Q Would you say that 18 percent was the
8 typical amount of the percentage of your income with
9 regard to the consultation to the legal profession?

10 A Last here it dropped off dramatically. So
11 I would say that last year was less, but I can't give
12 you the percentage at the present time.

13 Q So you cannot give me the percentage of
14 income that you received as a result of consulting
15 with the legal profession in the year 2009?

16 A 2010 I can't give you. 2010 was less than
17 2009. I know that 2009 was 18 percent.

18 Q What about 2008?

19 A That was a little bit less than '09, but I
20 don't think it was that much less.

21 Q Where did the majority of your income come
22 from?

23 A It comes from investments.

24 Q What percentage of your income in the year
25 2009 came from your medical practice, approximately?

1 RICHARD S. BLUM

2 A Maybe five percent.

3 MS. DEJONG: Please mark this as
4 Exhibit A.

5 (Curriculum vitae was marked as
6 Defendant's Exhibit A for identification as of
7 this date.)

8 Q Before we go to what has been marked as
9 Defendant's Exhibit A; do you have advertise with
10 regard to your consultation services?

11 A No, ma'am.

12 Q You don't have a website or anything like
13 that?

14 A No.

15 Q How is it that you get business with
16 regard to the consulting?

17 A Word of mouth and excellence in product.

18 Q I would ask that you look at what has been
19 marked as Defendant's Exhibit A. This is your
20 curriculum vitae, would that be accurate?

21 (Indicating)

22 A Yes.

23 Q Is this the most recent that you have
24 written? It contains 15 pages.

25 A Yes. There maybe just -- I think there's

1 RICHARD S. BLUM

2 just one more editorial, but there's nothing big that
3 would be added to this.

4 Q Can you tell me briefly, if you can, what
5 the science of pharmacology is; what is the field?

6 A It is the study of drugs and poisons.

7 Q That's a good one.

8 A Isn't it? All poisons are drugs and all
9 drugs are poisons.

10 Q Have you ever given any presentations or
11 seminars with regard to the qualities of cocaine?

12 A I am sure I have spoken on it somewhere
13 over the years.

14 Q But what I am asking you is, do you have
15 any specific recollection of any specific
16 presentation that you made with regard to the
17 qualities of cocaine?

18 A I don't recall any specific ones.

19 Q Did you ever attend any presentations or
20 seminars regarding the treatment of cocaine overdose?

21 A Let me put it this way; I have been
22 involved with drug abuse by opening the first
23 methadone clinic in the City of New York in 1969. I
24 have been involved with drug abuse from '69 until
25 just about the present day and during that time I am

1 RICHARD S. BLUM

2 sure that I have encountered that topic, but I don't
3 recall specific educational endeavors on that basis.

4 Q So you don't recall ever attending any
5 presentations or seminars regarding the treatment of
6 cocaine overdose?

7 A I am sure I have, but I can't tell you
8 chapter and verse in the last 40 some-odd years.

9 Q So what did you do with regard to this
10 methadone clinic?

11 A I was medical director.

12 Q For how long were you medical director?

13 A For ten years.

14 Q That's from '69 to '79?

15 A Just about, yes.

16 Q Where was this methadone clinic?

17 A Long Island Jewish.

18 Q What did you do as medical director?

19 A Took care of all medical aspects from
20 examining patients, dosing patients, deciding whether
21 they should or should not be patients, interpreting
22 laboratory data.

23 Q And these patients would be patients who
24 were candidates for methadone treatment?

25 A They presented for methadone treatment by

1 RICHARD S. BLUM

2 one means or another.

3 Q Did you ever treat anyone at that
4 methadone clinic for a cocaine overdose?

5 A No.

6 Q In 1979 about how many people were
7 employed at that clinic?

8 A Employed, probably about ten to twelve.

9 Q How many of them were physicians, how many
10 of the ten to twelve?

11 A One.

12 Q Who was that?

13 A Me. That's the year that I left.

14 Q You left in '79? I believe you testified
15 that you had been dealing with the methadone clinic
16 from '69 until present?

17 A No. No, drug abuse to present, but '69 to
18 '79 for that clinic.

19 Q Your involvement with the methadone
20 clinic, was that what you meant by dealing with drug
21 abuse for that period of time from 1969 to 1979?

22 A I was then invited to sit on many other
23 committees, forums, etc., in the drug abuse field.

24 Q Is that what you meant by being involved
25 in drug abuse until present?

1 RICHARD S. BLUM

2 A Yes.

3 Q What were those committees?

4 A I was appointed by the New York Governor
5 to the Drug Abuse Advisory Committee for New York
6 State.

7 Q Which Governor --

8 A I think it was Carey. I don't recall. It
9 goes back.

10 That existed for a number of years. I sat
11 on the Drug Abuse Committee for the Medical Society
12 of the State of New York, Drug Abuse Committee for
13 the Nassau County Medical Society.

14 Q Go ahead.

15 A I became involved with ASAM, that's the
16 Association for Addiction Medicine, American Society
17 of Addiction Medicine, and then I would be called in
18 periodically at the hospital about drug abuse cases.

19 Q Which hospital?

20 A St. Francis.

21 Q Anything else?

22 A No.

23 Q When were you on this drug abuse advisory
24 committee that Carey appointed you to?

25 A I would have to look in here.

1

RICHARD S. BLUM

2

(Indicating)

3

Q Feel free. "Here" being Exhibit A.

4

A Yes. One in here -- I don't know. It is going to take a while to look through this here. I know it's in here somewhere.

7

MS. DEJONG: Off the record.

8

(Discussion was held off the record.)

9

A 1980. It isn't to the present any longer. It was disbanded, but I don't know the date it was disbanded.

12

Q Do you know the year?

13

A No, I can't give it to you.

14

Q Was it more than ten years ago?

15

A Oh, yes. I would say somewhere in the mid-90's.

17

Q What did you do on this committee?

18

A It was an advisory committee.

19

Q How often did it meet?

20

A It would meet periodically. I think we'd meet four to six times per year. We'd get together throughout the state.

23

Q And the Drug Abuse Committee for New York

24

State --

25

A Yes.

1 RICHARD S. BLUM

2 Q -- is that the same thing?

3 A Yes. Well, New York State Medical Society
4 is different.

5 Q Okay, and so --

6 A That was New York State as the State.

7 This is the medical society of the State.

8 Q So when did you become a member of that?

9 A 1981.

10 Q For how long were you a member of that?

11 A Until that disbanded. That would be
12 about -- I would say about 2000, the late '90's or
13 2000.

14 Q What did this committee do?

15 A We would discuss various topics of drug
16 abuse and therapy on how to treat patients, problems
17 that were existing in different parts of the State
18 because drug abuse could be regional. People on one
19 end of the State maybe using drugs differently than
20 people at the other end of the State. We would get
21 together to discuss that. That was about four or
22 five times a year also.

23 Q Where would you get-together?

24 A At the medical society.

25 Q Which is where?

1

RICHARD S. BLUM

2 A It used to be on Lakeville Road, 410
3 Lakeville Road.

4 Q Nassau County?

5 A Yes.

6 Q Where in Nassau County?

7 A Just barely, Lake Success. The back of
8 the building was actually in Queens.

9 Q And the Drug Abuse Committee in Nassau
10 County, when were you on that?

11 A Again, from the '70's until that disbanded
12 also. That would be, I would say, early to
13 mid-'90's.

14 Q What did you do there?

15 A It was a consultation. This became more
16 local on the drug treatment facilities, who could
17 staff treatment facilities in the Nassau area, what
18 drugs were prevalent, what was seen at various area's
19 in the county, things of that nature.

20 Q Did you say that also disbanded in the
21 mid-'90's?

22 A Yes.

23 Q What about the Association for Addiction?

24 A I was a member of that for about -- That
25 was addiction services. I was a member of that until

1 RICHARD S. BLUM

2 I got injured. So I would say I was a member of that
3 for about five or six years.

4 Q Now, during the time that you were a
5 member of any of those committees, did you ever give
6 a presentation with regard to the qualities of
7 cocaine?

8 A You mean formal presentation?

9 Q Yes.

10 A I don't recall any.

11 Q Did you ever give a presentation with
12 regard to the treatment of overdose of cocaine?

13 A No.

14 Q Now, you also testified that you were
15 called in periodically by St. Francis Hospital with
16 regard to drug abuse cases?

17 A Yes.

18 Q Were you ever called in with regard to
19 treatment of a patient who was overdosing on cocaine?

20 A No.

21 Q Is there anything in your curriculum vitae
22 in any way that refers to cocaine or overdosing of
23 cocaine?

24 A No. That was not the drug that I was
25 asked most to comment on.

1 RICHARD S. BLUM

2 Q What was the drug that you were most asked
3 to comment on?

4 A Benzodiazepines.

5 Q For us non-physicians, could you basically
6 tell use what those are?

7 A The litany of drugs are everything from
8 Ativan, Xanax, Librium, Halcion, Clonopin. Those
9 were the more common ones.

10 Q Those are the antidepressants?

11 A Let's put it this way, antianxiety with
12 multiple other characteristics.

13 Q Have you ever written any publications
14 about the treatment of cocaine overdose?

15 A No.

16 Q Could you tell me what experience, if any,
17 you have with regard to the medical treatment of
18 cocaine overdose?

19 A I have seen people who have overdosed. I
20 have read about it. The acute therapy I wasn't
21 involved in. I know people who had because they all
22 came into the methadone clinic sooner or later or in
23 my other endeavors where I ran the Committee on
24 Physician's Health for the Medical Society and the
25 Department of Health for New York State. This was

1 RICHARD S. BLUM

2 for all of the impaired physicians who had been
3 involved with these substances also.

4 Q So you have seen it?

5 A I have seen it.

6 Q And read about it?

7 A Seen the aftermath. I have studied about
8 it, but being called in at the actual moment, no.

9 Q Now, you have given sworn testimony
10 before?

11 A Definitely.

12 Q Can you give me an approximation of about
13 how many times you have testified under oath both at
14 deposition and/or at trial?

15 A About 110 or combined.

16 Q Have you ever been retained in any cases
17 involving cocaine overdose?

18 A Suspected in one.

19 Q When was it that you were involved or
20 retained?

21 A That was about somewhere in the
22 neighborhood of five to eight years ago.

23 Q So that would be 2003?

24 A Somewhere in the early 2000's, yes.

25 Q Did you testify at a deposition?

1

RICHARD S. BLUM

2

A No.

3

Q Did you testify at trial?

4

A Yes.

5

Q Do you remember the name of the case?

6

A Yes.

7

Q What was the name of the case?

8

A Kanyi versus Mary Immaculate.

9

Q Who were you retained by, the plaintiff or
the defendant?

10

A Defense.

11

Q Could you just briefly describe what the
issue was that you were retained for?

12

A There was an individual who was discovered
at Kennedy Airport not looking well. He turned out
to be a body packer. Do you want me to explain the
term?

13

Q I know what the term is.

14

A Okay, he was found to be a body packer.
They didn't know if it was cocaine or heroin at the
time. He was taken to the hospital.

15

Q What happened to him?

16

A They had to force surgery on him to remove
the contents of the condoms from his intestinal
tract.

1

RICHARD S. BLUM

2

Q Okay. What was the lawsuit about?

3

A He didn't want surgery, so it was a violation of his civil rights.

5

Q You represented the hospital?

6

A Correct.

7

Q What was the issue that you were testifying about?

9

A That if he had not undergone the surgery, if one of these things had opened up, his life would be in danger.

12

Q Do you remember what court this was in?

13

A Federal Court in Brooklyn. I don't know if that's southern or eastern.

15

Q Were there any other cases that you were involved in that had issues with regard to cocaine?

17

A Sure, but no overdoses.

18

Q No other overdose cases?

19

A No other overdose cases.

20

Q What other cases were you involved in that had issues with regard to cocaine?

22

A Well, I remember Green versus the City of New York.

24

Q When was that about?

25

A Five to ten years ago. I'm not sure.

1 RICHARD S. BLUM

2 Q What court was that in?

3 A That was State Supreme Court in Manhattan.

4 Q Did you testify?

5 A Yes.

6 Q Did you testify at a deposition?

7 A No.

8 Q You testified at trial?

9 A Yes.

10 Q What was the issue?

11 A Could cocaine cause priapism.

12 Q What does that mean, priapism?

13 A That is a sustained erection.

14 Q How do you spell?

15 A P-R-I-A-P-I-S-M.

16 Q Who were you representing?

17 A The City of New York.

18 Q What was the plaintiff suing for, if you

19 remember?

20 A It was complicated. He was suing the

21 hospital because they had given him Viagra. He

22 claimed the Viagra caused him to have priapism, the

23 sustained four hour erection, and because of that he

24 needed surgery on the penis and had to have an

25 implant.

1 RICHARD S. BLUM

2 It was shown that it could not have been
3 the Viagra which caused it by the various testing
4 that was done. It did show up that he had cocaine in
5 him at the time. Cocaine would have that effect
6 also.

7 Q Any other cases where you were involved
8 with cocaine?

9 A I am sure there were a couple. I don't
10 recall offhand. These two stood out because they
11 were trial testimony. The others would be review,
12 but I don't think I ever came to testifying on them.

13 Q You don't recall what they were?

14 A I know the reviews involving cocaine, but
15 I don't recall the -- They never came to testimony
16 anywhere. Some were fires and people who had cocaine
17 in them when they were found, autopsy, etc.

18 Q Have you ever performed an autopsy?

19 A Only in medical school, assisted.

20 MS. DEJONG: I am going to mark
21 this as Exhibit B.

22 (Fee Schedule was marked as Defendant's
23 Exhibit B for identification as of this date.)

24 Q Before we get to Exhibit B, Dr. Blum,
25 would you say that you were an expert on the

1 RICHARD S. BLUM

2 treatment of cocaine overdose?

3 A I would say my expertise is in the field
4 of clinic pharmacology and what to do with certain
5 drugs at times. Specifically cocaine, I have never
6 determined that I should be an expert specifically on
7 cocaine, but in drugs in general and what to do with
8 them.

9 Q And specifically I am referring to the
10 treatment of a patient who has overdosed on cocaine,
11 would you consider yourself an expert with regard to
12 that?

13 A Compared to other physicians in the
14 community, I would be called on as the expert, but I
15 don't -- There are very few people that would have
16 expertise on how to treat individuals of this nature.
17 As Chairman of Pharmacy and Therapeutics at St.
18 Francis, I would be called upon for expertise if
19 there was no one else around.

20 Q But you have never treated a patient for
21 an overdose of cocaine, is that correct?

22 A That's correct.

23 Q Let's go to what has been marked as
24 Defendant's Exhibit B. I'm going to start with the
25 second page, the most closest litigation. Could you

1 RICHARD S. BLUM

2 tell me have you been involved in any litigation, in
3 giving testimony in any case since White versus
4 Richardson which was April of 2010?

5 A Sure.

6 Q Could you give me the cases that you have
7 testified in since White versus Richardson?

8 A I don't recall all of them, but I know
9 that there's Balraj versus White Plains Hospital.
10 That was yesterday.

11 Q What other cases?

12 A I don't recall anyone else in '10. As I
13 said, 2010 was a slow year.

14 Q Do you have any records at home that would
15 refresh your recollection?

16 A I could look up if there was anything from
17 April through December.

18 Q I would ask that you do that. We will
19 leave a space in the transcript. If you could look
20 at your records, speak with your counsel, and maybe
21 insert it if you find any cases.

22 (INSERT) _____

23 _____

24 Q What was Balraj about?

25 A That was a gentleman who claimed an

1 RICHARD S. BLUM

2 adverse drug reaction.

3 Q To what drug?

4 A That's a good question. There were three
5 or four involved, it could have been Celebrex, could
6 been Allopurinol, could have been Amoxicillin.

7 Q You were retained to give expert testimony
8 with regard to the qualities of these drugs --

9 A No, as to --

10 Q -- or properties I should say?

11 A Actually, the genetics of the adverse drug
12 reaction.

13 Q Who did you represent?

14 A White Plains Hospital.

15 Q In what Court?

16 A That was in White Plains, Westchester.

17 Q In Federal Court or State?

18 A No, that was State.

19 Q Now, what about White versus Richardson,
20 who did you represent?

21 A I don't even remember that case. I would
22 have to look all of these up. Some of them I do
23 remember.

24 Q All right. Could you tell me which ones
25 you remember?

1 RICHARD S. BLUM

2 A Williams, I remember.

3 Q Okay.

4 A That was a claimed overdose of Ambien,

5 that was in Suffolk County.

6 Q In the State Court?

7 A State Court.

8 Q Who did you represent?

9 A That was Dr. Roche.

10 Q What other ones do you remember?

11 A Stoja Vs. HHC.

12 Q Who did you represent?

13 A HHC.

14 Q What is HHC?

15 A Health and Hospitals Corporation of New

16 York.

17 Q Where was this?

18 A That was in Queens.

19 Q What this trial testimony?

20 A This was trial testimony and it

21 involved -- Basically it was a diabetic and the use

22 of insulin.

23 Q What other ones do you remember?

24 A I can remember Tartaglione Vs. Tighe's

25 Tavern.

1 RICHARD S. BLUM

2 Q And who did you represent?

3 A Tighe's Tavern.

4 Q Did you testify at trial or in a
5 deposition?

6 A That was at trial.

7 Q Where was that?

8 A That was in Westchester.

9 Q Was that in State or Federal Court?

10 A State.

11 Q What was the issue?

12 A That was alcohol values in a auto
13 accident. It was basically a dram shop situation.

14 Q What other ones do you remember?

15 A Torrato V. MTA.

16 Q Who did you represent?

17 A Plaintiff.

18 Q Torrato?

19 A Yes.

20 Q Where was the case?

21 A In Brooklyn.

22 Q In Federal or State Court?

23 A State Court.

24 Q Did you testify in Court or did you
25 testify at a deposition?

1 RICHARD S. BLUM

2 A Court.

3 Q What was the issue?

4 A Drugs were involved, I forget which ones,
5 but this is a gentleman who wound up underneath a
6 subway train and there were drugs involved somewhere.
7 I don't recall the specific issues.

8 Q Green Vs. HHC, is that Green Vs. The City
9 of New York?

10 A Yes, I described that.

11 Q What other ones do you recall?

12 A Weber Vs. St. Barnabas.

13 Q Who were you retained by?

14 A St. Barnabas.

15 Q Is that a hospital?

16 A Yes, that's a New Jersey case.

17 Q New Jersey State Court?

18 A I think so.

19 Q What was the issue?

20 A There was no -- It was State Court. It
21 was a deposition. It was adverse reaction to a
22 contrast agent used in x-rays.

23 Q What was that contrast agent, do you
24 remember?

25 A I forget. One of the iodinated

1 RICHARD S. BLUM

2 substances, I forget exactly which one it was.

3 Q What other ones do you remember, referring
4 to the list on Defendant's Exhibit B? (Indicating)

5 A Mandela Vs. Carrier.

6 Q Who did you represent?

7 A Carrier.

8 Q In what Court?

9 A This was also a New Jersey case and this
10 was also a deposition. This was an adverse reaction
11 to antipsychotic medication in a hospitalized
12 patient.

13 Q What was the medication, do you remember?

14 A I don't recall which one. I remember -- I
15 think it was Serotonin Syndrome, but I am not sure
16 exactly which drug was involved.

17 Q What other cases do you remember?

18 A Pivonka that was a Frye Hearing.

19 Q Who did you represent, who were you
20 retained by?

21 A The defendant.

22 Q What was the Frye Hearing about?

23 A It was can this medication cause the
24 developmental abnormalities in the fetus.

25 Q What was the medication?

1 RICHARD S. BLUM

2 A I don't recall.

3 Q Who did you represent, Lansman?

4 A Yes.

5 Q And what was Lansman?

6 A It was the physician, I think, who
7 prescribed the medication.

8 Q Going to page one of Defendant's Exhibit
9 B, who do you remember?

10 A Marvin Vs. Wentworth, that was in New
11 Hampshire.

12 Q State or Federal?

13 A State.

14 Q Who were you retained by?

15 A Wentworth.

16 Q What was the issue?

17 A I don't recall. I know it was a drug and
18 a nursing home. I am not sure exactly of the
19 details.

20 Q Did you testify at trial, or during
21 deposition, or both?

22 A No, this was at trial.

23 We are pushing it now. Farrior was in
24 Tampa, Florida.

25 Q In State or Federal?

1 RICHARD S. BLUM

2 A State.

3 Q Who did you represent?

4 A It was a deposition. St. Joseph's.

5 Q That's a hospital?

6 A Yes.

7 Q What was the issue?

8 A The issue was did a medication cause an
9 illness, adverse reaction.

10 Q Do you recall what the medication was?

11 A No.

12 I remember Pauline Vs. Rainford also.

13 Q Who did you represent?

14 A This was Dr. Rainford.

15 Q Where was this case?

16 A This was in Rockland County.

17 Q State Court am I assuming?

18 A Yes.

19 Q Did you testify at a deposition, trial, or
20 both?

21 A This was at trial.

22 Q What was the issue?

23 A This was antibiotics and abscesses.

24 I'm sorry. I just don't recall the
25 details on the others. I could probably look them

1 RICHARD S. BLUM

2 up.

3 Q Do you have records at home that would
4 refresh your recollection?

5 A I have some just sketchy outlines.

6 Q If you could possibly, I would ask that
7 you provide to your attorney an outline with regard
8 to all of the cases that you haven't been able to
9 recall; that would be Gutierrez, Hauben, Boyle,
10 Harris, Bouhoutsos, Graham, Tedano, Espinal, Eichler,
11 Dicker, Lee, Zullo, Perillo.

12 A I remember Schiffler. Schiffler was in
13 Westchester.

14 Q State or Federal?

15 A State.

16 Q Who were you retained by?

17 A Defense.

18 Q Did you testify at a deposition, trial, or
19 both?

20 A Trial.

21 Q What was the issue?

22 A The issue was adverse reaction to an ace
23 inhibitor.

24 Q Do you remember what that ace inhibitor
25 was?

1

RICHARD S. BLUM

2

A I forget exactly which one it was. It's one of the blood pressure lowering agents, but I forget exactly which one it was.

5

Q So if you could, when you look at your records if you could with regard to those cases, put who you represented, what the court forum was, whether it was a deposition, or a trial, and briefly what the issue was and which drug was involved; okay?

10

A Okay.

11

Q There were some you testified to that you don't recall the drugs that were involved, that would include Torroto Vs. MTA, Weber Vs --

14

A I may or may not have that specific information.

16

Q I appreciate your efforts, doctor.

17

A I left one out by mistake. She left it out, yes.

19

Q Weber Vs. Barnabus, you couldn't remember the specific contrast agent?

21

A I won't be able to identify it. It's one of the iodinated contrast agents. It could be Omnipaque or Visipaque. I am not sure.

24

MS. DEJONG: I'm going to mark this as Defendant's Exhibit C.

1 RICHARD S. BLUM

2 (Report was marked as Defendant's Exhibit
3 C for identification as of this date.)

4 Q Dr. Blum, I ask that you look at what has
5 been marked as Defendant's Exhibit C; is that
6 familiar to you?

7 A Yes.

8 Q Is this a report that you made on behalf
9 of the plaintiff in this case?

10 A Yes.

11 Q Can you tell me when you were first
12 retained by the plaintiff?

13 A No, probably about a year ago.

14 Q Can you tell me, have you been paid by
15 anyone so far with regard to this case?

16 A Yes.

17 Q How much have you been paid so far?

18 A I can't give you an accurate amount. I
19 would say probably in the neighborhood of \$1,500 to
20 \$2,000, but I am not sure.

21 Q Looking at the first paragraph of your
22 report you list documents that you have reviewed.
23 Was there anything else that you reviewed other than
24 what is listed in the first paragraph? (Indicating)

25 A No.

1 RICHARD S. BLUM

2 Q Did you do any research?

3 A I have looked up various articles, yes.

4 Q What articles did you look up?

5 A I don't know. I scan through Pub Med and
6 I just scan through, I look at abstracts, but I don't
7 have copies of anything.

8 Q You don't have any records of any of the
9 documents that you reviewed to research this issue?

10 A I may have at home, I am not sure. A lot
11 of times I just scan and make notes, but not of the
12 documents, just of the facts.

13 Q Do you recall any specific documents that
14 you researched with regard to this issue?

15 A I researched some about the length of time
16 it takes for absorption of cocaine from the
17 intestinal tract. It was one article I recall from
18 the National Institute of Health and one from the
19 National Institute of Drug Abuse.

20 I did look up the effect of tasers on
21 certain body chemistry, because I am not familiar
22 with those agents, and that's basically -- There were
23 others, but I don't recall any others specifically.

24 Q Do you have any notes at home that would
25 enable you --

1 RICHARD S. BLUM

2 A No, I would put a note down like
3 absorption, "X" numbers of hours or minutes, and half
4 like equals and things like that, but nothing that
5 would delineate the specific articles.

6 Q So you can't tell us any specific articles
7 that you researched?

8 A The only one I can recall is from the
9 National Institute of Health. I think that I do have
10 it at home, I have the abstract, but not the article.

11 MS. DEJONG: I would like a copy
12 of that abstract.

13 MR. TELESCA: Okay.

14 Q Do you recall what the title of the
15 article was, do you recall?

16 A It had to do with the administration of
17 known amounts of cocaine to chronic cocaine abusers
18 or users and the length of time it takes for the
19 cocaine to show up in the blood stream, etc.,
20 basically. I never got the entire article because I
21 didn't want to pay for it.

22 Q So you can't tell me specifically the name
23 of the article?

24 A No, I can't. I can't tell you the
25 researchers either.

1 RICHARD S. BLUM

2 Q You can't tell me the date of the article
3 or anything like that?

4 A No, I know it's NAH and NIDA.

5 Q So that's one article?

6 A That one I recall and the others I don't
7 recall specifically.

8 Q With regard to reading about the effects
9 of tasers on the body chemistry, do you recall which
10 articles you read with regard to that?

11 A No.

12 Q Was it one or more than one?

13 A There were a number of items.

14 Q Do you recall what the results of your
15 research were with regard to that?

16 A That CPK's would only go up a small
17 amount, no more than two to three times, and that
18 lactacidosis occurs after the use of the agents.

19 Q After the use of what agents?

20 A The taser.

21 Q What do you mean by CPK?

22 A That's a blood chemistry.

23 Q What does that mean?

24 A The full name?

25 Q Yes.

1 RICHARD S. BLUM

2 A Creatin Phosphokinase.

3 Q So as a result of reading these articles,
4 did you have any opinion with regard to the effect of
5 the taser on Mr. Bradway?

6 A No, I just wanted to know for my own
7 edification what happens with the use of these agents
8 and I did not review the hospital report in detail as
9 to the medical course. Just the beginning times,
10 when he got in, etc. I didn't want to spend anymore
11 of Mr. Telesca's money doing a detailed evaluation of
12 the hospital chart.

13 Q But back to the articles, you can't tell
14 me any other articles specifically that you read?

15 A Not specifically. There was one, but it
16 didn't -- No, it had no bearing on this. No, nothing
17 else would have bearing on this.

18 Q About how much time did you spend
19 researching for this opinion?

20 A A number of hours, eight, ten hours maybe.

21 Q How much time did you spend reviewing the
22 documents that you have listed here?

23 A I can't tell you exactly. I would have to
24 look that up, I have it at home. It depends on how
25 thick they were and how many pages.

1 RICHARD S. BLUM

2 Q So you don't recall?

3 A I don't have the exact delineation.

4 Q Can you give me an estimate?

5 A Eight hours, seven. I don't know. I am
6 only guessing now. It's not really a valid guess.

7 Q I wouldn't want you to give us an invalid
8 guess.

9 A Okay. We can hold it out. I can tell you
10 almost exactly when I look at the records. I can't
11 tell you offhand right now.

12 Q About how much time did you spend writing
13 your report?

14 A Oh probably an hour, an hour and a half.

15 Q Okay.

16 On the second paragraph it states the last
17 sentence: "I reserve the right to change this report
18 on the presentation of new factual material."

19 A Right.

20 Q Have you changed your report in any way?

21 A No.

22 Q On the last paragraph of the second page
23 you refer to, "An inordinate delay in obtaining
24 medical care"?

25 A Correct.

1

RICHARD S. BLUM

2

Q What were you referring to?

3

A Well, the length of time from the time it
was discovered that he had ingested the material
until he got to the hospital.

6

Q How long was that?

7

A 10:30, about an hour and a half.

8

Q Can you tell me, to your knowledge, is
there an antidote for cocaine?

10

A No, there isn't.

11

Q What, to your knowledge, is the treatment
for a cocaine overdose?

13

A The best way is to eliminate it from the
body prior to absorption as fast as possible.

15

Q How do you do that?

16

A It could be done in two different ways; it
can be vomited out, or taken out via tube, or it can
be absorbed onto charcoal.

19

Q How long after a lethal injection of
cocaine would Mr. Bradway start having seizures?

21

A I can't answer that question the way you
phrased it.

23

Q Well, you say you read an article or
several articles about the absorption of cocaine?

25

A Correct.

1 RICHARD S. BLUM

2 Q Is there any indication from your having
3 read those articles with regard to the rapidity with
4 which cocaine goes into the system?

5 A Yes.

6 Q What did you learn from reading those
7 articles?

8 A That it's approximately an hour.

9 Q An hour for what?

10 A Absorption.

11 Q Approximately an hour absorption of
12 cocaine from the intestines into the blood stream?

13 A From the time of administration until it
14 was detected in the blood, yes.

15 Q When you say, "time of administration",
16 did you mean the time of ingestion?

17 A Yes.

18 Q Until it is?

19 A Until they get -- I think it was C-max,
20 but I didn't read the --

21 Q Well, I don't know what C-max is.

22 A Maximum concentration in the blood stream.

23 Q That would be an hour?

24 A Correct.

25 Q What do you base this on?

1 RICHARD S. BLUM

2 A Abstract that I read.

3 Q Is that the one you have a copy of?

4 A That's the one, I do have a copy of it.

5 MS. DEJONG: If I haven't asked
6 for that before, I am asking for it now.

7 MR. TELESCA: We will get it.

8 Q What do you recall the hospital doing
9 after Mr. Bradway went to the Emergency Room?

10 A He came into the hospital. They
11 questioned him. They noticed that he was starting to
12 get agitated. They gave him some medication. I
13 really didn't spend much time after that. He had a
14 seizure and after that I didn't really review the
15 chart in detail.

16 Q Why didn't you review the chart in detail?

17 A I was only asked is there anything that
18 could have been done. I try to answer the question
19 that was posed to me and my answer was that if he had
20 gotten to the hospital in a shorter period of time
21 various things would have been done to help eliminate
22 the material from the body. I can't answer to
23 determine whether medical treatment was accurate or
24 appropriate.

25 Q So what various things could have been

1 RICHARD S. BLUM

2 done had Mr. Bradway gotten to the hospital earlier?

3 A They could have emptied the intestinal
4 tract or administered the charcoal.

5 Q "Emptied the intestinal tract", what do
6 you mean by that?

7 A Either putting a tube down, whether it was
8 a nasogastric tube or Ewald tube, or having him
9 vomit.

10 Q Do you know whether the hospital did that?

11 A I didn't see any evidence. They did put a
12 tube in at some point in time, but I don't recall
13 exactly when that was.

14 Q That tube was not to empty the intestinal
15 tract, was it?

16 A Well, once you put the tube into the
17 stomach it automatically is placed to suction. It's
18 got to be placed to something.

19 Q So are you saying that what the hospital
20 did was they put a tube down his intestinal tract?

21 A There was a tube, a nasogastric tube
22 placed, I recall that.

23 Q Do you recall how long after Mr. Bradway
24 got to the hospital that, that happened?

25 A No.

1 RICHARD S. BLUM

2 Q Do you recall what the first thing is that
3 they did at the hospital with regard to the treatment
4 of Mr. Bradway?

5 A They took a history.

6 Q I am talking about treatment.

7 A Well, I remember he had gotten an
8 injection of Ativan. That's all I really recall.

9 Q What is Ativan?

10 A Ativan is one of the benzothiophenes that
11 helps reduce anxiety.

12 Q Do you recall when somebody at the
13 hospital gave him his first dose of Ativan?

14 A It was soon after admission. He was
15 admitted I think at 12:04. I think that it was given
16 around 12:30, but I am not sure. I didn't go into
17 memorizing when various medications were
18 administered.

19 Q Do you recall what the next thing was that
20 was done at the hospital with regard to the treatment
21 after the first injection of Ativan?

22 A No, I didn't go into any -- The quality of
23 the medical care, what was done in the hospital, was
24 not what I was asked to comment on so I didn't really
25 in detail review the medical care.

1 RICHARD S. BLUM

2 Q You state in your report that, "The
3 ingestion of any non-labeled substance must be
4 treated as a life threatening emergency"?

5 A Correct.

6 Q What do you mean by a non-labeled
7 substance?

8 A Non-labeled substance in my world is
9 something that is not in a pharmacy dispensed bottle.

10 Q Do you have any knowledge with regard to
11 the type of cocaine that Mr. Bradway ingested?

12 A I don't know what you mean by the type of
13 cocaine.

14 Q For instance, was it a powder cocaine, was
15 it a crack cocaine?

16 A By what the Officers said, they saw a
17 white powdery substance coming out of his mouth and
18 on this clothing. I assume it not to be crack
19 because that would be in a solid form. It was
20 something that was in there. It could have been corn
21 starch for all I know. I have no idea what they saw.

22 Q Do you have any idea as to what the
23 strength or purity of the cocaine was that
24 Mr. Bradway ingested?

25 A I have never seen any drug addict go to a

1 RICHARD S. BLUM

2 pharmacy and pick up pure material and have it
3 analyzed.

4 Q You don't know?

5 A I have absolutely no idea.

6 Q Do you have any idea as to how much
7 cocaine, if it was cocaine, that Mr. Bradway
8 ingested?

9 A I have no idea.

10 Q Do you have any idea as to whether or not
11 Mr. Bradway had previously ingested cocaine in a
12 condom, if he was mini-packer or a drug packer?

13 A I have no idea whether it was a -- I have
14 absolutely no idea whatsoever if he body packed.

15 Q Could you tell me, what do you base your
16 belief of this delay, the delay of approximately an
17 hour --

18 A About.

19 Q -- was a substantial contributing factor
20 leading to Mr. Bradway's death?

21 A In a one-hour period of time it gives any
22 substance that may have been ingested a chance to be
23 absorbed. The faster an unknown substance is removed
24 from the body, or at least absorbed and neutralized,
25 the less that's going to happen. So time is a very

1 RICHARD S. BLUM

2 substantial factor in removing any unknown substance
3 from the body.

4 Q Did you have any discussions with the
5 medical examiner who did the autopsy?

6 A No, ma'am.

7 Q Did you have any discussions with anybody
8 from the Town of South Hampton?

9 A No, ma'am.

10 Q Anybody from the hospital?

11 A No, ma'am.

12 MS. DEJONG: I have no further
13 questions.

14 (Time Noted: 3:25 P.M.)

15

16

17 _____ Richard S. Blum

18

19

20 Subscribed and sworn to before me
21 this _____ day of _____, 2011

22

23 _____ Notary Public

24

25

1

2

I N D E X

3

WITNESS: EXAMINATION BY: PAGES:

4

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E X H I B I T S

7

DEFENDANT'S PAGE/LINE

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A Curriculum Vitae 12/5

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DESCRIPTION: PAGE/LINE

14

1. State the names of any other cases
from 2010. 28/22

16

D O C U M E N T S R E Q U E S T E D

18

DESCRIPTION: PAGE/LINE

19

1. Outline with regard to the Gutierrez,
Hauben, Boyle, Harris, Bouhoutsos, Graham,
Tedano, Espinal, Eichler, Dicker, Lee, Zullo,
and Perillo cases. 36/6

23

2. Copy of abstract from National
Institute of Health. 40/11

25

1
2 C E R T I F I C A T I O N
3
45 I, Edna Conway, a Shorthand Reporter and a
6 Notary Public, within and for the State of New York,
7 do hereby certify:8 That the witness(es) whose testimony is
9 hereinbefore set forth duly affirmed before me and
10 that such testimony, along with the foregoing
11 proceedings, is a true record of the testimony given
12 by such witness(es).13 I further certify that I am not related to
14 any of the parties by blood or marriage, and that I
15 am in no way interested in the outcome of this
16 matter.17 IN WITNESS WHEREOF, I have hereunto set my
18 hand.

19

20

21

22

23

24

25


Edna Conway

Richard S. Blum

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